IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 16157 of 2006(W)

PETITIONER:

A.N. PURUSHOTHAMAN,
AALKATHARAYIL VEEDU, CHITHALVELLI, MANCODE P.O.,
PATHIRICAL MURI, PATHANAPURAM VILLAGE,KOLLAM DIST.

BY ADV. SRI.P.GOPINATHAN NAIR

RESPONDENTS:

1.STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL BODIES, SECRETARIAT,
THIRUVANANTHAPURAM.

2.DEPUTY DIRECTOR OF PANCHAYAT, KOLLAM.

3.PATHANAPURAM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PATHANAPURAM P.O.,
KOLLAM DISTRICT.

4.THE PRESIDENT,
PATHANAPURAM GRAMA PANCHAYAT, PATHANAPURAM P.O.,
KOLLAM DISTRICT.

*ADDL.R5.R.HUSSAIN RAWTHER, S/O.RASAVU RAWTHER,
NAJIBIA BUILDING, MANCODE, PATHANAPURAM VILLAGE.

**ADDL.R6.THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHAIRMAN.

*ADDL.R5 IS IMPLEADED AS PER THE ORDER IN THE WRIT PETITION DATED 27.6..2006.

**ADDL.R6 IS IMPLEADED VIDE JUDGMENT DATED 30.11.2006.

ADDL.R5 BY ADV. SRI.S.ABDUL RAZZAK
R3-R4 BY ADV.SRI.N.UNNIKRISHNAN
R1-R2 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.16157 of 2006

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Dated: 30th November, 2006

JUDGMENT

The Kerala State Pollution Control Board, represented by its Chairman is impleaded as Additional respondent No.6 in the Writ Petition. Registry will carry out necessary corrections in the cause title.

2. Having regard to the rival submissions made before me, this Writ Petition will stand disposed of in the following terms:

The additional 6th respondent is directed to take immediate action on Ext.R3(B) request submitted by the Panchayat and submit a detailed report to the Panchayat after conducting all necessary enquiries including the situation that the 5th respondent's house is situated within a distance of 100 metres from the proposed unit. The report as directed above will be submitted by the additional 6th respondent at their earliest and at any rate within two months of the petitioner making available a copy of this judgment. Respondents 3 and 4 will ensure that the Sub Committee which has been constituted for enquiring into the complaint submitted by the petitioner before the Panchayat submits its report at their earliest and at any rate within two months of their receiving a copy of this judgment. Once the report of the Sub Committee as well as the report of the

additional 6th respondent are made available, the 3rd respondent-Panchayat will take up Ext.P1 application submitted by the petitioner on a priority basis, issue notice to the petitioner as well as the additional 5th respondent and thereafter, after hearing the petitioner as well as the additional 5th respondent, take a decision on Ext.P1 at its earliest and at any rate within six weeks of their receiving a copy of the report from the Pollution Control Board and the report of the Sub Committee.

srd **PIUS C.KURIAKOSE, JUDGE**